

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:**  
**FILE NUMBER:**

Omaha District, South Dakota Regulatory Office  
200430434

**REGULATORY PROJECT MANAGER:**

Andy Mitzel

**Date:** 28 January 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

In the office N (Y/N)

**Date:** \_\_\_\_\_

At the project site Y (Y/N) **Date:** 1/25/2005

**PROJECT LOCATION INFORMATION:**

**State:**

South Dakota

**County:**

Jerauld

**Center coordinates of site by latitude & longitudinal coordinates:**

Lat 43-56-19.3699 Long -98-23-45.7152

**Approximate size of site/property (including uplands & in acres):**

55 acres

**Name of waterway or watershed:**

Lower James

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X/2	X		X					
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X/4		
Is or would be used as habitat by other migratory birds that cross state lines?			X/4		
Is or would be used as habitat for endangered species?					X/4
Is used to irrigate crops sold in interstate commerce?					X/4

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒.

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The 55 acre site has historically been used for cattle grazing and watering, and contains 4 isolated wetlands. There is a PEMC (8.6 acres in size) wetland and 3 PEMA (1.3 acres, 0.9 acres, 0.6 and acres in size) wetlands on the site. Aerial photography (NRCS 2003 & Late 1990's), NWI data, NRCS Wetland Determination (official or inventory), Jerauld & Aurora County SSURGO data/Hydric Soil list, were reviewed and no surface hydrological connection was found, nor are the wetlands adjacent to other water of the US. No known interstate commerce connection is known to exist, and there is no reasonable potential for navigation on these wetlands. No other waters occur on the site.